

Appln No. 10/049,223

Amdt date February 27, 2004

Reply to Office action of October 22, 2003

REMARKS/ARGUMENTS

The above amendments and following remarks are made in response to the Office action of October, 22, 2003 and the telephonic interview with the Examiner on January 14, 2004. Claims 1-13 and 15-19 remain in the application. Claims 1, 5, 7 and 10 have been amended. Independent claims 18 and 19 have been added.

In the interview, Applicant's representative suggested additional structural limitations to the claims to respond to the Examiner's contentions that several of the distinguishing limitations of Applicant's claims were written in functional language. These suggested amendments to claim 1 are included in the presently amended claim 1. Namely, "moulded on" was amended to recite "contacting and fixed relative to," "configured for fixing" was amended to recite "fixed," and "formed for displaceable bearing" was amended to recite "displaceable."

The Examiner suggested that additional limitations be added to more specifically describe the structure and connections of the lifter mechanism, guide rail, the closing mechanism and/or the supporting part of the closing mechanism. No agreement was reached in the Interview.

In response to the Examiner's suggestions for added structural specificity, Applicant has amended claim 1 to more structurally recite the location and connections between the elements. Additional structural specificity of the closing mechanism was also added in new independent claim 18, although Applicant has not so amended claim 1, as it does not agree that

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such additional structure is necessary for its patentability over the cited reference.

Independent claim 19 is substantially the same as independent claim 18, but is directed to a vehicle door embodiment of the invention.

Examiner's Rejection of Claims 1-13 and 15-17 As Anticipated By Morando (U.S. Pat. No. 5,548,930).

On page 2 of the Office action, claims 1-13 and 15-17 are rejected under 35 U.S.C. 102(b) as anticipated by Morando. The Examiner asserts that the limitations of claim 1 reciting that "at least one supporting part of the closing mechanism is moulded on the guide rail" is a process of forming and not a final product. Applicant has amended this limitation to recite that "at least one supporting part of the closing mechanism contacts and is fixed relative to the guide rail." Applicant has also amended independent claim 1 to clarify that the guide rail of the window lifter is "slidably displaceable on the supporting plate between a first position and an operating position." Applicant respectfully submits that these amendments clarify the "final product" of claim 1, rather than a process of forming the product.

In response to the Examiner's concerns about the structural limitations of the closing mechanism and its supporting part, Applicant has also further described the closing mechanism in new independent claims 18 and 19 as "having a supporting part and an exposed part, the exposed part located at least in part

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on an outside of said vehicle door and the supporting part connected to and supporting the exposed part."

The Examiner did not address Applicant's arguments regarding the lack of teaching or suggestion in Morando of the limitations of claim 1 in the last Office action because the limitations were allegedly written as processes of forming the product or as non-limiting functional phrases. As Applicant has now amended claim 1 to address the Examiner's concerns, Applicant resubmits that Morando does not teach or suggest that: 1) at least one supporting part of the closing mechanism contacts and is fixed relative to the guide rail; 2) the guide rail...is slidably displaceable on the supporting plate between a first position and an operating position; or 3) the guide rail consists at least in part of plastics.

The Examiner has not specified which elements of the cited reference he contends correspond to the elements of Applicant's claims, so Applicant will assume again for the purposes of this Response that the Examiner contends that one or more of the "housing 140" or "surface 13" corresponds to "at least one supporting part of the closing mechanism" of Applicant's claim, and that the "window pane guide element 11" or the "transverse girder 170" corresponds to the "guide rail" of Applicant's claim 1. Applicant will also assume that the Examiner contends that the "mounting plate 1" (a moulded plastic element forming a main girder 15) corresponds to the "supporting plate" of Applicant's claim. These same assumptions were made in the last response, and they were not objected to by the Examiner. If the Examiner does not agree with these designations, Applicant respectfully

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requests that the Examiner indicate which elements of Morando he believes corresponds to the elements of Applicant's claims and where the teaching or suggestion of the relevant limitations are in Morando.

Applicant respectfully submits that neither Figure 1 nor the detailed description in Morando, col. 3 line 65-col. 6 line 5, teaches or suggests that the housing 140 or the surface 13 contacts and is fixed relative to the window pane guide element 11 or the transverse girder 170. Morando teaches that the housing 140 for the handle 40 is part of the protuberance formed on the girder 15, and the perpendicular surface 13 is shown as formed on the girder 15. Morando, col. 5, lines 4-8 and Figure 1. Morando does not teach that either the housing 140 or the perpendicular surface 13 is contacting and fixed relative to the window pane guide, but that the window pane guide "is connected to the plane of this girder (15) by a joint (116)." Morando, col. 4, lines 15-21.

Morando, col. 4, lines 15-21, teaches that the window pane guide is connected to the girder, which is a "moulded plastic element," by a joint 116, but the Examiner has not pointed out and the Applicant cannot find any teaching or suggestion in the cited reference that the window pane guide is displaceable on the supporting plate, nor that it is slidably displaceable from a first position to an operating position.

Likewise, the Applicant cannot find any teaching or suggestion in Morando of what material the window pane guide 11 consists of, let alone that it is "consisting at least in part of plastics," according to Applicant's claim 1. The Examiner

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has pointed out a section of Morando (col. 1, lines 66-67) that describes the prior art, but Applicant will assume that the Examiner meant to cite Col. 3, lines 66-67 as a teaching or suggestion that the guide rail consists at least in part of plastics. Applicant, however, respectfully points out that the cited passage refers to a molded plastic element that forms the main girder 1b, and does not teach that a guide rail consists at least in part of plastics. Morando discloses that the window pane guide element is located at the end of this girder, but does not appear to hint at the material of which it consists.

Because Morando does not teach or suggest all of the limitations of claim 1, Applicant respectfully submits that claim 1, and dependent claims 2-13 and 15-17 are patentable over Morando, and requests that the rejections be withdrawn.

Claim 18 is identical to claim 1, but includes additional structural limitations regarding the closing mechanism and the supporting part. Claim 19 is substantially similar to claim 18, but is directed to a vehicle door. Applicant respectfully submits that these claims are patentable over Morando for the same reasons as discussed above.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and reconsideration and allowance are therefore respectfully requested. Applicant requests that the Examiner call the Applicant's representative at the telephone number below to discuss the instant response, if such an interview would aid in the Examiner's understanding of the distinguishing factors or the efficiency of prosecution.

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Respectfully submitted,

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